



November 20, 2019

**BY ECF**

The Honorable Katherine Polk Failla  
United States District Judge  
United States District Court, S.D.N.Y.  
40 Foley Square, Room 2103  
New York, NY 10007

Re: *Leibowitz et al. v. iFinex Inc., et al.*, Case No. 19-CV-09236-KPF.

Dear Judge Failla:

We represent Plaintiffs in the above-referenced action and write in response to Defendants' pre-motion letter dated November 15, 2019 (ECF No. 28). Plaintiffs were unable take a position on Defendants' pre-motion letter because, during the pre-letter conference, counsel for Defendants would not disclose the anticipated grounds for their motion.

Now that Plaintiffs have reviewed Defendants' filing, they do not oppose allowing Defendants to file a motion to dismiss – as is their right under the Federal Rules – nor do they oppose a pre-motion conference to set a briefing schedule. Plaintiffs will oppose the anticipated motion to dismiss.

Respectfully,

**ROCHE FREEDMAN LLP**

/s/ Kyle W. Roche

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